

Wilmington, Delaware  
March 6, 2014

#3910

Sponsor:

Council  
Member  
Wright

Co-Sponsors:

Council  
Members  
Dorsey Walker  
Shabazz

**WHEREAS**, an Act to amend Titles 10 and 11 of the Delaware Code relating to the expungement of adult arrest records (House Bill No. 134) was proposed in the 147<sup>th</sup> Delaware General Assembly; and

**WHEREAS**, House Bill No. 134 makes the statutory scheme for expungement of adult criminal offenses more efficient and, by doing so, will require less Superior Court resources; and

**WHEREAS**, by including the successful completion of "probation before judgment" within the definition of "terminated in favor of the accused" the proposed legislation improves an unintended drafting oversight; and

**WHEREAS**, previously, all requests for expungement of probation before judgment cases had to be presented to the Court by way of the discretionary expungement process, regardless of nature of the charge, simply because "probation before judgment" was not specifically included within the definition of "terminated in favor of the accused"; and

**WHEREAS**, House Bill No. 134 which is sponsored by State Representative James Johnson, was unanimously passed by a vote of the Delaware House of Representatives and is being considered by the Delaware Senate.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON**, that Council fully supports the Act to amend the Delaware Code regarding the Expungement of Adult Arrest Records, House Bill No. 134 and further encourages all Senate members to vote to approve the legislation.

Passed by City Council,  
March 6, 2014

Attest: Maribel Seijo  
City Clerk

Approved as to form this 28<sup>th</sup>  
day of February, 2014.

Danay D. Torres  
Assistant City Solicitor

**SYNOPSIS:** This Resolution supports the Act to amend the Delaware Code regarding the Expungement of Adult Arrest Records, House Bill No. 134.